IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 25545 of 2003

Between:

Kovi Kasthuraiah S/o.Buddaiah
R/o.Konathaneri Village,Thottambedu Mandal, Chittoor District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep. by its Chief

Secretary, Secretariat, Hyderabad.
2 The Director General of Police, Lakdikapul, Hyderabad.
3 The Addl.Director General of Police, CID, Lakdikapul, Hyderabad.
4 The Superintendent of Police (Law & Order), Chittoor District,

Chittoor.
5 The Dy.Superintendent of Police (Law & Order), Srikalahasti,

Chittoor District.
6 The Circle Inspector of Police, Srikalahasti, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, order or orders more particularly one in the nature of writ of mandamus declaring the action of respondents in not taking action in case No.208/1/2002-03/OC and in spite of the letter dt.30-9-2002 of the NHRC, New Delhi as illegal, arbitrary and violative of principles of natural justice and consequentially direct the respondents to take action in pursuance of the report of the CI, CBCID and letter dt.30-9-2002 issued by the Asst. Registrar (Law), NHRC in the interest of justice.

Counsel for the Petitioner: MR.CH.B.R.P. SEKHAR

Counsel for the Respondents: GP FOR HOME

The Court made the following:

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 26533 of 2003

Between:

Smt. G.V. Vanajakshi w/o G. Bhaskar Naidu
R/o Gurrappanaidu Kandriga Village, Chittoor District

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep by its

Secretary (Home) Department, Secretariat, Hyderabad
2 The Director General of Police, Lakdikapul, Hyderabad
3 The Superintendent of Police (Law & Order) Chittoor District,

Chittoor
4 The Dy. Superintendent of Police (Law & Order) Srikalahasti

Chittoor District
5 The Circle Inspector of Police, Srikalahasti, Chittoor District
6 The Station House Officer, Thottambedu Mandal Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or orders more particularly one in the nature of Writ of Mandmaus declaring the action of the respondents Nos. 4 to 6 in not taking any action against accused and on other hand helping them i.e., Mr. Chalapathi Naidu, and his group is illegal, arbitrary, malafide and violative of Article. 14, 21 of the Constitution of India and violation of Principles of natural justice and consequently

direct to investigate into Crime No.73/2003 in respect of the attack of my husband Mr. G. Bhaskar Naidu, R/o Gurrappanaidu Kandriga Village, Thottambedu Mandal, Chittoor district by entrusting the mater to any independent agency CBI or CBCID. in the interest of justice.

Counsel for the Petitioner: MR.A.PURUSHOTHAMA REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

THE HON'BLE MR JUSTICE A.GOPAL REDDY

W.P.Nos.25545 & 26533 of 2003

COMMON ORDER:

These two writ petitions can be disposed of by a common order since the issue involved in both the writ petitions is common.

Both the writ petitions are filed complaining the inaction of the respondent Nos.1 to 4, in protecting the human rights, and for ordering enquiry into the atrocities of one Gali Chalapathi Naidu against Scheduled Caste persons in the hands of upper caste people.

According to the petitioners, several crimes were registered on the complaints made by them and their caste people. Since the same has not evoked any response, the petitioner in W.P.No.25545 of 2003, made a representation to the National Human Rights Commission, who addressed a letter to the first respondent-Chief Secretary, Government of A.P., to take action and dispose of the said representation. When the sixth respondent registered the case under Section 107 of the Code of Criminal Procedure, it is alleged that at the instance of Guruvaiah Naidu and others, Chalapathinaidu hatched a plan to kill the husband of petitioner in W.P.No.26533 of 2003 and got attacked her husband and on the complaint lodged by her husband, a crime was registered in Crime No.73 of 2002 under Sections143, 341, 506 read with Section 34 of the Indian Penal Code. But the investigation is not completed and

no charge sheet has been filed. Though they are involved in several other criminal cases including Crime Nos.136 of 2002, 77 of 2002 and 75 of 2002, but so far no action is taken against them by the police and the atrocities on the petitioners' community are continued. In view of the same, the present writ petitions are filed for issuing appropriate direction to the respondents to take action and complete the investigation of the crimes registered by filing necessary charge sheet against the culprits.

Sixth respondent filed counter-affidavit on behalf of respondent Nos.4 to 6 in W.P.No.25545 of 2003, stating that because of the group rivals in Konathaneri village, in which, one Smt. Adhilakshmamma was elected as Sarpanch of Konathaneri Gram Panchayat in the year 2001, there are complaints made against each other, which resulted in registering as many as 11 cases on the file of Thottambedu, B.N.Kandriga and Kalahasthi Urban Police Stations, Chittor District. After registering the crimes, investigation is proceeded in accordance with law. In view of law and order problem created in the area by the above rival groups, a case in Crime No.85 of 2002 under Section 107 of the Code of Criminal Procedure was registered by Thottambedu Police Station on 12-08-2002 against the members of both rival groups to maintain peace and tranquility in the area and the same is pending before the Sub-Divisional Executive Magistrate, Tirupati in M.C.No.1 of 2002, in which, interim orders are obtained by the petitioners' group in Crl.M.P.No.7774 of 2002, dated 02-12-2002. On the complaint made with regard to the incident that occurred on 05-05-2001, Cr.No.34 of 2001 under Section 302 of the Indian Penal Code and Sections 3 (1) (x) & (3) (2) (v) of S.C. & S.T. (Prevention of Atrocities) Act, 1989, was registered on 06-05-2001 on the file of Thottambedu Police Station. After completion of investigation into the said crime, a charge sheet was filed on 15-02-2002 under Section 323, read with Section 34 of the Indian Penal Code and 3 (1) (X) of S.C. & S.T. (Prevention of Atrocities) Act, before the IV Additional District Judge, Tirupati, which is pending trial in S.C.No.8 of 2002 and there is no inaction on the part of the police in completing investigation and filing the charge sheet.

None appears for the petitioners.

Learned Assistant Government Pleader except reading the counter, is not in a position to say whether the eleven crimes so registered ended in filing a report with the concerned Magistrate or not? In view of the fact that the crimes were registered as early as in the year 2002, which disclose a cognizable offence, police are under obligation to complete the investigation and file necessary reports before the Magistrate concerned, if not already filed. If any reports are already filed, copies of the same shall be furnished to the petitioners and on furnishing such reports, the petitioners are at liberty to file their objections to the report, if not the respondent Nos.4 to 6 are hereby directed to complete the investigation in all the cases and file necessary reports after due intimation to the complainants in the above complaints within a period of two months from the date of receipt of a copy of this order.

The writ petitions are accordingly disposed of. No costs.

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16th July, 2004

KVR

To

1. The Secretary (Home) Department,

Government of Andhra Pradesh, Secretariat, Hyderabad

2 The Director General of Police, Lakdikapul, Hyderabad

3 The Superintendent of Police (Law & Order) Chittoor District,

Chittoor

4 The Dy. Superintendent of Police (Law & Order) Srikalahasti

Chittoor District

5 The Circle Inspector of Police, Srikalahasti, Chittoor District

6 The Station House Officer, Thottambedu Mandal Chittoor District

7 The Addl.Director General of Police,CID, Lakdikapul,Hyderabad.

8. Two C.Cs. to G.P. for Home, High Court Buildings,

High Court of A.P.,Hyderabad, (OUT)

9. Two C.D.Copies.